

**NOTE:** Instructions for completing this form are on reverse.

**INSTRUCTIONS:** After completing this form, please attach a copy of the following (if appropriate); a copy of all internal memoranda, rules, and regulations related to policies and procedures used to administer/implement the Freedom of Information Act (FOIA)(only amendments and new issues need be provided); a copy of each court opinion or order related to a finding that records may have been improperly withheld; a copy of the Office of Personnel Management findings and recommendations, and a report of the disciplinary action taken against the responsible employee or an explanation why such action was not taken (The Director, Office of Personnel and Labor Relations will respond for VACO employees); and a list of all new categories or segregable portions of records now being released upon request (The Associate Deputy Assistant Secretary for Information Resources Policies and Oversight, VACO, will respond for the agency). Continue items on additional sheet if necessary.

**PART I - TO BE COMPLETED BY ALL VA ORGANIZATIONAL ELEMENTS**

TO		FROM	2A. NAME AND LOCATION OF PREPARING FACILITY	2B. REPORT FOR CALENDAR YEAR ►
				2C. STATION NO./MAIL ROUTING SYMBOL ►
				2D. NAME OF CONTACT ►
				2E. PHONE NO. ►
3. TOTAL NUMBER OF FOIA REQUESTS RECEIVED			4. NUMBER OF INITIAL FOIA REQUESTS DENIED IN FULL	

**5. NUMBER OF TIMES EACH AUTHORITY WAS CITED FOR INITIAL DENIAL OF RECORDS**

5A. FOIA EXEMPTION(S)					5B. EXEMPTION NO. 3 STATUTE(S)/PUBLIC LAW				5C. OTHER AUTHORITIES				
NO.	QUANTITY	NO.	QUANTITY	NO.	QUANTITY	STATUTE	QUANTITY	STATUTE	QUANTITY	OTHER	QUANTITY	OTHER	QUANTITY
1		4		7		38 USC 3301		35 USC 205		NO AGENCY RECORD			
2		5		8		38 USC 3305		P.L. 95-452		REFUSAL TO PAY REASONABLE FEES		INSUFFICIENT IDENTIFICATION	
3		6		9		38 USC 4132							
TOTAL QUANTITY ►					TOTAL QUANTITY ►				TOTAL QUANTITY ►				

**6. NAME AND TITLE OF OFFICIAL(S) MAKING DENIALS AND THEIR FREQUENCY OF PARTICIPATION**

6A. NAME	6B. TITLE	6C. FREQUENCY

**7. CATEGORIES OF REQUESTERS AND FEES COLLECTED FROM EACH CATEGORY**

7A. COMMERCIAL USE		7B. EDUCATIONAL/NON-COMMERCIAL		7C. NEWS MEDIA		7D. ALL OTHERS	
QUANTITY ►		QUANTITY ►		QUANTITY ►		QUANTITY ►	
FEES COLLECTED ►		FEES COLLECTED ►		FEES COLLECTED ►		FEES COLLECTED ►	
8. NO. OF INSTANCES WHERE FEES WERE WAIVED		9. NO. OF INSTANCES WHERE FEES WERE REDUCED		10. TOTAL FEES COLLECTED		11. COST INCURRED IN ADMINISTERING FOIA	

**12. NUMBER OF TIMES NECESSARY TO SEEK A 10-DAY DELAY, BECAUSE OF:**

12A. NEED TO SEARCH FOR AND COLLECT RECORDS FROM OTHER FACILITIES OR ORGANIZATIONS	12B. NEED TO SEARCH FOR, COLLECT, AND REVIEW A LARGE NUMBER OF RECORDS	12C. NEED TO CONSULT WITH ANOTHER AGENCY OR OTHER COMPONENT(S) OF THE VA
13. RESERVED		

**PART II - TO BE COMPLETED BY THE OFFICE OF THE GENERAL COUNSEL, VACO**

1. NUMBER OF APPEALS IN WHICH A REQUEST WAS:													
1A. GRANTED IN FULL				1B. DENIED IN FULL				1C. DENIED IN PART					
2. NUMBER OF TIMES EACH AUTHORITY WAS CITED FOR TOTAL OR PARTIAL DENIALS													
2A. FOIA EXEMPTION(S)					2B. EXEMPTION NO. 3 STATUTE(S)/PUBLIC LAW				2C. OTHER AUTHORITIES				
NO.	QUANTITY	NO.	QUANTITY	NO.	QUANTITY	STATUTE	QUANTITY	STATUTE	QUANTITY	OTHER	QUANTITY	OTHER	QUANTITY
1		4		7		38 USC 3301		35 USC 205		NO AGENCY RECORD			
2		5		8		38 USC 3305		P.L. 95-452		REFUSAL TO PAY REASONABLE FEES		INSUFFICIENT IDENTIFICATION	
3		6		9		38 USC 4132							
TOTAL QUANTITY ►					TOTAL QUANTITY ►				TOTAL QUANTITY ►				
3. NAME AND TITLE OF OFFICIAL(S) RESPONSIBLE FOR THE DENIAL OF RECORDS REQUESTED ON APPEAL AND THEIR FREQUENCY OF PARTICIPATION													
3A. NAME				3B. TITLE				3C. FREQUENCY					
4. NUMBER OF TIMES COURT APPEALS WERE MADE BECAUSE THE AGENCY WAS UNABLE TO COMPLY WITH THE APPLICABLE TIME LIMITS							5. NUMBER OF INSTANCES IN WHICH A COURT ALLOWED ADDITIONAL TIME (Attach a copy of each related court opinion or order)						

## **INSTRUCTIONS FOR COMPLETING ANNUAL REPORT OF COMPLIANCE WITH FREEDOM OF INFORMATION ACT (FOIA)**

This form will be used to report statistics and other information in accordance with the provisions of VA Manual MP-1, Part II, Chapter 35, Annual Report of Compliance with Freedom of Information Act. The information will be reported for the preceding calendar year. Reports are due by the 15th workday of January. Only one report form is to be submitted from each VACO (VA Central Office) organizational element and one from each VA field station; however, additional copies may be used as internal feeder reports within each reporting organization. Additional copies of this form may be obtained from the Forms and Publications Depot (036B).

### **PART I - TO BE COMPLETED BY ALL VA ORGANIZATIONAL ELEMENTS**

Item 1 - Mail report to appropriate address.

Item 2 - Enter requested information concerning the originating office or station.

Item 3 - Enter requested information.

Item 4 - Enter requested information. This total should be equal to or less than the total number of FOIA exemptions invoked plus the total number of other authorities invoked (i.e. equal to or less than Item 5A + Item 5C).

Item 5A - Enter the number of times each exemption, Nos. 1 through 9, was used to withhold records from disclosure. VA Manuals MP-1, Part II, Chapter 35, Appendix A, and MP-1, Part II, Chapter 21, provide a detailed explanation of each exemption. The nine exemptions under which records and other information may be exempted from disclosure are as follows:

No. 1 - Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order.

No. 2 - Related solely to the internal personnel rules and practices of an agency.

No. 3 - Specifically exempted from disclosure by statute.

No. 4 - Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

No. 5 - Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

No. 6 - Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy

No. 7 - Records or information compiled for law enforcement purposes.

No. 8 - Contained in or related to examination, operating, or conditional reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

No. 9 - Geological and geophysical information and data, including maps, concerning wells.

Item 5B - Enter the number of times each of the four statutes and one public law were used to withhold records under Exemption No. 3. The total number of times these statutes and/or public law were used must equal the total number of times Exemption No. 3 was used (Item 5A, No. 3). The statutes and public law are:

38 U.S.C. 3301, Confidential Nature of Claims.

38 U.S.C. 3305, Confidentiality of Medical Quality-Assurance Records.

38 U.S.C. 4132, Confidentiality of Certain Medical Records.

35 U.S.C. 205, Confidentiality.

Item 5C - Enter the number of times each of the three cited authorities were used to withhold information. The three authorities are self-explanatory.

Item 6 - Self-explanatory.

Item 7 - Refer to VA Regulation 38 CFR 1.555, Fees, for a detailed description of each category of requester and the type of fee(s) to be charged.

Item 8 - Refer to VA Regulation 38 CFR 1.555(f), Waiving or Reducing Fees, for the factors to be considered in determining whether fees should be waived or reduced in the public interest.

Item 9 - See instructions for Item 8, above.

Item 10 - Self-explanatory. This total should be the sum total of all fees collected in Items 7A through 7D.

Item 11 - A formula for determining the personnel costs associated with administering the FOIA can be found in VA Manual MP-1, Part II, Chapter 35, Appendix A.

Item 12 - Self-explanatory.

Item 13 - (Reserved)

### **PART II - TO BE COMPLETED BY THE OFFICE OF THE GENERAL COUNSEL, VACO**